

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Tamika Bain,

Plaintiff,

vs.

Medical Data Systems, Inc.,
a foreign corporation,

Defendant.

Case No.: 17-cv-692

COMPLAINT

JURY TRIAL DEMAND

NOW COMES THE PLAINTIFF, TAMIKA BAIN, BY AND THROUGH COUNSEL
and for her Complaint against the Defendant, pleads as follows:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331, 1337.

VENUE

2. The transactions and occurrences which give rise to this action occurred in the City of Charlotte, Mecklenburg County, North Carolina.
3. Venue is proper in the Western District of North Carolina, Charlotte Division.

PARTIES

4. Plaintiff is a natural person residing in Charlotte, Mecklenburg County, North Carolina.

5. The Defendant to this lawsuit is Medical Data Systems, Inc., which is a foreign corporation that maintains a registered agent in the City of Raleigh, in Wake County, North Carolina.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer debt allegedly owed by Plaintiff regarding a medical debt ("the alleged Debt").
7. On or about October 4, 2016, Ms. Bain obtained her credit files and noticed that Defendant reported the alleged Debt.
8. On or about October 18, 2016, Ms. Bain submitted a letter to Defendant disputing the alleged Debt.
9. On or about May 16, 2017, Ms. Bain obtained her Equifax credit file and noticed that Defendant failed to flag the alleged Debt as disputed, in violation of the FDCPA.
10. Ms. Bain has suffered pecuniary and emotional damages as a result of Defendant's actions.

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

11. Plaintiff reincorporates the preceding allegations by reference.
12. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
13. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.
14. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

15. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692e(8) by communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed. Defendant did this when it failed to flag the alleged Debt as disputed on Ms. Bain's Equifax credit file.

16. Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS that this court grant her a judgment against Defendant for actual damages, costs, interest, and attorneys' fees.

DEMAND FOR JUDGMENT RELIEF

Accordingly, Plaintiff requests that the Court grant her the following relief against the Defendant:

- a. Actual damages;
- b. Statutory damages; and
- c. Statutory costs and attorneys' fees.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

DATED: November 30, 2017

By: /s/ Patrick Blair

Patrick Blair, Esq.

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